

**DISPOSITION:** October 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**10317. Adulteration of green split peas. U. S. v. 850 Bags of Green Split Peas. Default decree of condemnation and destruction. (F. D. C. No. 17729. Sample No. 9456-H.)**

**LIBEL FILED:** October 3, 1945, Western District of New York.

**ALLEGED SHIPMENT:** On or about March 24, 1945, by the Trinidad Bean and Elevator Co., from Palouse, Wash.

**PRODUCT:** 850 50-pound bags of green split peas at Batavia, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, cocoons, and webbing.

**DISPOSITION:** November 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### **TOMATOES AND TOMATO PRODUCTS**

**10318. Adulteration and misbranding of tomato puree. U. S. v. Stockton Food Products, Inc. Plea of guilty. Fine, \$2,000. (F. D. C. No. 17783. Sample Nos. 33857-F, 92361-F.)**

**INFORMATION FILED:** January 25, 1946, Northern District of California, against Stockton Food Products, Inc., Stockton, Calif.

**ALLEGED SHIPMENT:** On or about October 6 and 7, 1944, from the State of California into the State of New York.

**LABEL, IN PART:** The product was unlabeled, but it was billed as "Fcy Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it was sealed in a container and had not been so processed by heat, before or after sealing, as to prevent spoilage, as required by the regulations.

**DISPOSITION:** April 8, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 on each of the 4 counts.

**10319. Adulteration of tomato puree. U. S. v. 916 Cases and 175 Cases of Tomato Puree. Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 17533, 18929. Sample Nos. 14381-H, 19861-H.)**

**LIBELS FILED:** February 1 and 20, 1946, Middle District of Tennessee and District of Minnesota.

**ALLEGED SHIPMENT:** November 15, 1945, and January 21, 1946, by the Blue River Packing Co., from Morristown and Shelbyville, Ind.

**PRODUCT:** Tomato puree. 916 cases at Nashville, Tenn., and 175 cases at Minneapolis, Minn. Each case contained 6 6-pound, 8-ounce cans, of the product.

**LABEL, IN PART:** "Blue River Brand Fancy Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** On March 20, 1946, the Blue River Packing Co., claimant for both lots, having admitted the allegations of the libel filed at Minneapolis, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit be separated from the unfit and that both be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. On September 9, 1946, the claimant having failed to answer or defend the action instituted at Nashville, judgment of condemnation was entered and the product was ordered destroyed.

**10320. Adulteration of tomato puree. U. S. v. 163 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 16642. Sample No. 29641-H.)**

**LIBEL FILED:** June 21, 1945, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about May 31, 1945, by the California Best Products Co., from San Francisco, Calif.

**PRODUCT:** 163 cases, each containing 6 cans, of tomato puree at Philadelphia, Pa.  
**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.  
**DISPOSITION:** October 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**10321. Adulteration of tomato puree and tomato paste. U. S. v. 140 Cases of Tomato Puree and 600 Cases of Tomato Paste. Decrees of condemnation. Puree ordered destroyed; paste ordered released under bond.** (F. D. C. Nos. 17550, 18958. Sample Nos. 5027-H, 6126-H.)

**LIBELS FILED:** January 8 and March 1, 1946, Eastern District of Pennsylvania and Northern District of New York.

**ALLEGED SHIPMENT:** On or about November 2 and December 13, 1945, by the Caruso Products Distributing Corporation, from Newark, N. J.

**PRODUCT:** 140 cases, each containing 6 No. 10 cans, of tomato puree at Utica, N. Y., and 600 cases, each containing 6 No. 10 cans, of tomato paste at Philadelphia, Pa. Examination of the tomato paste showed the presence of swells and springers, indicating that a part of the product was in a condition of active spoilage. Examination of the tomato puree showed the presence of decomposed tomato material.

**LABEL, IN PART:** (Puree only) "Suzy Bel Brand Fancy Tomato Puree \* \* \* Packed by Stanislaus Canning Co., Modesto, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

**DISPOSITION:** April 9, 1946. No claimant having appeared for the tomato puree, judgment of condemnation was entered and the product was ordered destroyed. On July 2, 1946, the California Canning Co., Manteca, Calif., claimant for the tomato paste, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good be separated from the bad and that the latter be destroyed under the supervision of the Food and Drug Administration.

**10322. Adulteration and misbranding of canned tomatoes and adulteration of tomato puree and tomato paste. U. S. v. 161 Cases of Canned Tomatoes (and 3 other seizure actions against tomato puree and tomato paste). Decrees of condemnation. Portion of products ordered released under bond; remainder ordered destroyed.** (F. D. C. Nos. 15706, 18706, 19000, 19673. Sample Nos. 5606-H, 7322-H, 7368-H, 8150-H.)

**LIBELS FILED:** March 26, 1945, and January 2 and 22 and April 16, 1946, Eastern District of New York and District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 2, 1944, and October 23 and November 9 and 20, 1945, by the Califruit Canning Co., from Manteca, Calif.

**PRODUCT:** 161 cases, each containing 24 cans, of tomatoes, 800 cases, each containing 6 No. 10 cans, of tomato puree, and 429 cases, each containing 96 6-ounce cans, of tomato paste at Newark, N. J.; and 32 cases, each containing 48 10½-ounce cans, of tomato puree at Brooklyn, N. Y. The canned tomatoes were a mixture of unpeeled pear-shaped tomatoes and tomato puree. Examination showed that all three of the products contained decomposed tomato material.

**LABEL, IN PART:** "Enrico Caruso Brand [or "Valia Brand"] Tomato Paste," or "Lulu Brand Extra Heavy Tomato Puree." The canned tomatoes and one lot of tomato puree were marked "unlabeled." No written agreement existed as to the labeling of the canned tomatoes.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

Misbranding (canned tomatoes), Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the food.